

# **BURUNDI:**

## **ONE HUNDRED DAYS TO PUT THE PEACE PROCESS BACK ON TRACK**

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## BURUNDI :

### ONE HUNDRED DAYS TO PUT THE PEACE PROCESS BACK ON TRACK

#### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The deadlock in the Burundi peace process has finally been broken. On 23 July in Arusha, Nelson Mandela's choice of Pierre Buyoya and Domitien Ndayizeye as president and vice-president of Burundi for the first phase of transition was endorsed at a summit of regional heads of state. Buyoya and Ndayizeye also agreed to fulfil eleven conditions guaranteeing the full implementation of the Arusha agreement of 28 August 2000. The three-year transition period will start on 1 November 2001. In the absence of a ceasefire, the implementation of the Arusha agreement will not be backed up by a UN peacekeeping force. However a special Burundian protection force is foreseen to facilitate the return of exiled political leaders. Half of the force will be picked from members of the Tutsi-dominated army; the parties representing Hutu interests will choose the other half.

The political compromise endorsed in Arusha is the result of a change in approach by the Mandela facilitation team. This time priority was given to the negotiations between Pierre Buyoya's *Union pour le progrès national* (Union for national progress, UPRONA) and Jean Minani's *Front pour la démocratie au Burundi* (Front for Democracy in Burundi, FRODEBU), which must now become the driving forces of the peace process. The previous cycle of negotiations, based on the fiction of discussions between nineteen equal parties, is finally over. The key transition partners, UPRONA and FRODEBU, must face their responsibilities.

The success of the transition will depend on their cooperation. And with the issue of the transitional leadership finally sorted out, the negotiators will have no choice but to focus on the central issue of the peace process: the reform of the armed forces.

Up to now, despite regional and international mobilisation on the issue of a ceasefire, the armed groups have given no tangible sign of willingness to negotiate within the Arusha framework. The latest ceasefire negotiations, which took place in Pretoria on 25 and 26 July between the government and the *Conseil national pour la défense de la démocratie-Forces de défense de la démocratie* (CNDD-FDD), were a failure. The CNDD-FDD rejected the Arusha agreement, criticised the South African facilitation team for being biased, and demanded the appointment of a French-speaking co-mediator. The *Parti pour la libération du peuple hutu-Forces nationales de libération* (PALIPEHUTU-FNL) also seems uninterested in the implementation of the Arusha agreement, simply reiterating its own negotiating conditions.

The ceasefire negotiations are also FRODEBU's responsibility. The credibility of its leadership of the Hutu political family and its capacity to lead the transition successfully are dependent on it. But the burden of obtaining a ceasefire cannot rest on FRODEBU alone. It is high time to seek a more suitable and productive formula for the negotiations. Failure carries too many risks for the future of the transition. The coup attempt of 22

July, (the second in just over three months), is a clear warning to Pierre Buyoya: in the absence of ceasefire, the political choices made in Arusha frighten the army and the Tutsi community in general. Some of its members are ready to stop the peace process dead.

The hundred days from 23 July to 1 November are therefore pivotal for the Burundi peace process. These hundred days will lay the foundations of the coming transition period. They must produce sufficient confidence in the peace process to ease fears and reduce hostility. At this point, it is crucial that all political actors, national, regional and international, show unambiguous support for putting the peace process back on track. The coup-plotters must be strongly discouraged, and the necessary pressures must be applied to bring the rebels back to the negotiating table. Burundi's donors must also keep the promises of financial support made at the Paris conference of December 2000. By 1 November 2001, Burundi's population must have regained hope that peace is possible, and begin to feel the economic and social benefits to be gained from the implementation of the Arusha agreement. All these efforts must get underway now, so that at the end of the hundred days, a brighter future is in sight for Burundi.

## **RECOMMENDATIONS**

### **TO THE UNITED NATIONS SECURITY COUNCIL**

1. Vigorously condemn any coup attempts and warn that sanctions will be applied to future coup plotters or those who attempt political assassination. Treat the culprits as international criminals, begin legal proceedings against them and freeze their financial assets overseas.
2. Support the creation of a peacekeeping force, ready to intervene as soon as a ceasefire has been declared. Prepare its administrative and operational set-up, develop different options for its concept of operations, the details of its mission, and the terms and location of deployments (especially on the Tanzanian border, Lake Tanganyika, and on the Rusizi plain).
3. Maintain pressure on the Democratic Republic of Congo, and discussions with Tanzania, to end all external support for armed groups.

### **TO BURUNDI'S DONORS**

4. Make available immediately U.S.\$100 million of the U.S.\$440 million promised at the Paris conference of December 2000 for the implementation of the Arusha Peace Agreement, and give the transition government a period of grace. These funds must support the rapid creation of various technical commissions for the repatriation of refugees and the resettlement of internally displaced persons. They should also support economic production, and ease access to foreign currency to promote rapid reductions in the cost of food and basic goods.
5. Generously support the creation of a special Burundian force to protect the institutions of transition and political leaders returned from exile, making the force an example of what to expect from future reform of the security services. If necessary, offer complementary accelerated training programs to Hutu officers who participate in the joint command structure.

### **TO THE MEMBERS OF THE REGIONAL INITIATIVE FOR BURUNDI (UGANDA, RWANDA, TANZANIA AND THE DEMOCRATIC REPUBLIC OF CONGO AMONG OTHERS).**

6. Give unambiguous support to the full implementation of the Arusha agreement if August 2000 and the results of the 23 July 2001 summit, and support the creation of a united front against the rebels if by 1 November significant ceasefire negotiations have not begun. Equally, warn Tutsi opponents of the Arusha and Pretoria agreements that no support for coup attempts will be tolerated.

**TO NELSON MANDELA AND THE FACILITATION TEAM.**

7. Open an office in Bujumbura and launch a major information campaign to explain the peace agreement, in order to avoid speculation and prevent manipulation of public opinion. The distribution of the written agreement is not enough. Members of the facilitation team must tour the country to explain the agreement orally, and arrange regular radio broadcasts about the agreement in local languages.
8. Open discreet channels of communication with the rebels, including in the field.
9. Appoint a permanent team of professional negotiators devoted to the ceasefire negotiations, which can work to build confidence with the rebel groups.
10. Give guarantees of confidentiality, discretion and amnesty to rebels who are prepared to negotiate.
11. Do not deal separately with the CNDD-FDD and the PALIPEHUTU-FNL.

12. Ask the rebels to declare a truce to give the transition government a chance to impose significant reforms on the Tutsi extremists.

**TO THE FUTURE GOVERNMENT OF TRANSITION**

13. Avoid hostile statements and work towards building mutual trust. Disqualify any party leader guilty of defamation or incitement to ethnic hatred from joining the transition government.
14. Provide all means necessary to guarantee the security and encourage the return of exiled political leaders.
15. Establish a system to receive fighters who are willing to put down their weapons and offer training and professional reintegration programmes. Launch a national information campaign offering integration into the army and training to Hutu fighters.

**Arusha/Bujumbura/Nairobi/Brussels, 14 August 2001**



## **BURUNDI:**

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## **I. INTRODUCTION**

On 23 July in Arusha, the Heads of State of the Regional Initiative for Burundi endorsed the formula proposed by the facilitator Nelson Mandela to settle the issue of the transitional leadership, an issue that had remained unresolved since the peace agreement was signed in August 2000. According to this formula, Pierre Buyoya was named as President for the first eighteen months of the transition and Domitien Ndayizeye, the candidate of the group of seven parties representing the interests of the Hutu population (G7), Vice-President. For the second eighteen-month period, the President will be chosen from the G7 and the Vice-President will be appointed from amongst the ten parties representing the interests of the Tutsi community (G10). At the same time, both men reaffirmed their commitment to implementing the Arusha Agreement of 28 August 2000 by signing, before President Museveni, a text containing eleven conditions attached to their appointment. The start of the transition period was set for 1 November, leaving one hundred days for the mediation team to obtain a truce and set in motion the negotiations for a permanent end to the hostilities, and one hundred days for the Burundian Government, Parliament and other signatories of the Arusha Agreement to find a solution to the issues that would allow the transition period to start in earnest (voting for the preliminary laws specified in the agreement, setting-up of a force to protect the transitional institutions made up of members chosen by the G7 and by the government in equal shares and drafting of a full and precise constitutional text describing the operation of the transitional institutions).

## **II. THE AGREEMENT OF 23 JULY: THE END OF THE ARUSHA CYCLE**

### **A. PRIORITY GIVEN TO UPRONA-FRODEBU NEGOTIATIONS**

The political agreement obtained on 23 July is the result of a radical change in approach by the Mandela facilitation team. Following the failure of the numerous talks held with all of the signatory parties after it was announced at the Arusha summit of 28 February that the transition would be split into two periods of eighteen months, Nelson Mandela decided to embark upon direct negotiations between the Union pour le Progrès National (UPRONA) and the Front pour la Démocratie au Burundi (FRODEBU), with each assuming the responsibility for having these choices accepted by their political “families” and of becoming once again the driving forces behind the peace process.

This decision came about after considerable prevarication. Right up to the middle of June, FRODEBU had still not accepted the candidacy of Pierre Buyoya and even implied to the negotiating team that it had reached an agreement with UPRONA for a third way (neither Epitace Bayaganakandi, the candidate of the group of six Tutsi parties opposed to the renewal of the current Head of State (G6), nor Pierre Buyoya, but a third compromise candidate)<sup>1</sup>. In the end, it was the support of a delegation from the high command of the army, which had travelled to Pretoria at the end of June, which enabled Pierre Buyoya to win the nomination. After considerable deliberation,

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<sup>1</sup> ICG interview with members of the G7 and the Government, Arusha, 21-22 July 2001.

Nelson Mandela came out in favour of him. FRODEBU finally relented, but on 29 June gave the facilitator a list of conditions and guarantees relating to the acceptance of Pierre Buyoya's appointment by the G7<sup>2</sup>.

This list of seventeen conditions and guarantees was the inspiration for the text signed in Arusha by Pierre Buyoya and Domitien Ndayizeye in the presence of Yoweri Museveni: in the end reduced to eleven conditions, presented to Pierre Buyoya in Pretoria on 10 July, which he accepted without hesitation<sup>3</sup>. Strengthened by this political agreement, Nelson Mandela managed to have this choice accepted by the regional Heads of State in Lusaka, on 11 July, with the support of the Libyan Head of State Moamar al Gaddafi, who had come to the aid of Pierre Buyoya in overcoming Tanzanian hostility<sup>4</sup>. In the end, the Arusha summit simply confirmed the decision to set the agenda and the timetable of the transition, made in Lusaka twelve days earlier following consultation with the other signatories.

Two days of talks were therefore offered to the other signatories of the Arusha Agreement in order to agree upon the conditions and procedures for setting up the transitional government, but to no avail. Four parties of the G6 (Nicéphore Ndimurukundo's Parti Indépendant des Travailleurs (PIT), Alphonse Rugambarara's Mouvement Socialiste Panafricain (MSP)-Inkinzo, Joseph Nzeyimana's Rassemblement pour la Démocratie et le Développement Economique et Social (RADDES), and André Ntadikidje's Alliance Nationale pour la Démocratie et le Développement (ANADDE) firstly decided to boycott the meeting in protest at the Pretoria Agreement which imposed Pierre Buyoya as the G10 candidate, and appointed Mathias Hitimana of the Parti pour la Réconciliation du Peuple (PRP) to represent them in Arusha. Three days before the summit, they also held an organised closure of shops and businesses in Bujumbura as a sign of defiance against the Pretoria Agreement. But in the face of the total failure of their attempt to mobilise

the people, and with four members of their respective parties heading for Tanzania, urged by the negotiating team to take their places in Arusha, Alphonse Rugambarara, Joseph Nzeyimana, Nicéphore Ndimurukundo and Gérard Nigarura, the Vice-President of ANADDE, finally decided to take their seats at the negotiating table. In the end, after a number of further developments, the G10 parties failed to impose other significant conditions for accepting the Buyoya-Ndayizeye partnership at the helm of the transition<sup>5</sup>. Léonard Nyangoma's Conseil National pour la Défense de la Démocratie (CNDD) had no greater success, and its proposal, in particular, to appoint three Vice-Presidents for the transition, including its candidate, the Ambassador Albert Mbonerane, and the G6 candidate, Epitace Bayaganakandi, was completely rejected by the mediator<sup>6</sup>.

The eleven conditions in any case only serve to reaffirm the loyalty of their signatories to the commitments already obtained by the Arusha Agreement, whilst specifying a number of important measures for the return of exiled political leaders. They therefore combine guarantees on the composition of the transitional government and the implementation of the Pretoria Agreement<sup>7</sup>, a major reaffirmation of loyalty to the aims and principles expressed in the Arusha Agreement<sup>8</sup> and in particular the measures required

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<sup>5</sup> Cf. ABASA, ANADDE, MSP-Inkinzo, PSD, RADDES, Vert-Intwari, UPRONA, "Guarantees for the establishment of the transitional institutions and the success of the transition process", mimeo, 22 July 2001.

<sup>6</sup> CNDD, "Conditions for the establishment of the transitional institutions", mimeo, 22 July 2001.

<sup>7</sup> 1. Include representatives of the signatory parties in the transition government (the Arusha Agreement is less specific, it only stipulates that the choice of government members be made within the political families represented by the G7 and G10); 11. End their duties immediately at the end of the current eighteen-month period with effect from the date on which the duties were taken up.

<sup>8</sup> 2. Implement faithfully and unreservedly all the provisions of the Agreement; 3. as soon as possible, carry out a reform of the army and take steps to integrate armed groups and Hutus into the army; 4. co-operate fully with the representative of the High Commission for Refugees with regard to the repatriation of refugees and the rehabilitation of victims; 5. Offer absolute protection to all political leaders especially those returning from exile; 6. do not retaliate against political opponents; 7. release political prisoners on the recommendation of the international committee to be set up; 9. Work for a fair representation of Burundian communities in all the offices

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<sup>2</sup> Cf. "G7 memorandum containing the conditions and guarantees in order for the transitional institutions to be established and be able to work normally", mimeo, 29 June 2001.

<sup>3</sup> Cf. IRIN, "Burundi: Decision on transitional leadership "fixed" Mandela says", 11 July 2001.

<sup>4</sup> ICG interview, western diplomats, Arusha, 21-22 July 2001.



to protect the transitional institutions in the absence of a cease-fire. One of the concessions obtained by UPRONA on the question of the conditions is simply that these conditions should be binding on both the President and the future Vice-President.

One of the central guarantees for the implementation of the agreement, the sending of UN-commissioned foreign troops, was likewise stated at this summit but remains suspended due to the lack of a cease-fire. Foreign troops, which both signatories undertake to call on in sufficient number and with which they promise to co-operate fully for the purposes of maintaining peace and security, can only be employed after the signing of a cease-fire in order to guarantee that it is observed and implemented. Kofi Annan, the Secretary-General of the United Nations, had made this very clear to Nelson Mandela. Therefore, in anticipation of the cease-fire, Pierre Buyoya committed himself to authorise the formation of a special Burundian protection unit by 1 November, in order to allow the return of exiled political leaders and the arrival of an international workforce to take part in the Agreement Implementation Monitoring Committee. This unit, as stated in condition 8, "must comprise an equal number of Burundian soldiers/police officers and persons appointed by the G7. This unit must be under the joint command of the Burundians and shall be assisted and formed by the military personnel of the agreed countries". South Africa, Nigeria, Ghana and Senegal thus have agreed to supply troops in order to set up a peacekeeping force under a United Nations mandate after a cease-fire has been signed. For setting up the special unit to protect the transitional institutions, South Africa, in particular, is anticipating sending military personnel<sup>9</sup>.

In addition to setting up the special unit to protect the transitional institutions the joint communiqué issued at the 15<sup>th</sup> regional summit on Burundi also specifies the mission of the foreign force once the cease-fire has been obtained: (a) guarantee that the cease-fire is observed; (b) supervise the integration of armed forces including the return and stationing of the army in its camps as well as the confinement of armed groups in special assembly points; (c)

provide technical support to the demobilisation operation and the formation of the new army. These troops will be called upon by regional leaders for deployment as soon as a cease-fire is signed, pending a meeting of the UN Security Council to grant the official mandate specified by the Arusha Agreement. In theory, all they would then have to do is change berets, putting on the blue of the United Nations.

Apart from the obvious obstacles that stand in the way of the aims of the summit of 23 July, (Ghana, Senegal, South Africa and Nigeria have for example warned that they would only send their troops once a mandate has been obtained from the UN, and not before as the summit requests), settling the issue of the transitional leadership is a very significant step for the peace process. This issue, which has been playing on the minds of the negotiators for too long, had ended up paralysing the implementation of the agreement. The change of methodology proposed by the mediation team, the priority given to UPRONA and to FRODEBU, followed by negotiations with the other members of their political families, has finally put an end to the confusion of past negotiations, held back by the rule of partisan consensus.

The procedure is now to seek a sufficient consensus, initially achieved by an agreement between the country's two main formations and negotiated subsequently in their political families. UPRONA and FRODEBU now have to face up to their responsibilities and must accept their choices, both before their respective political families and before the armed forces and the people.

This formula gives a foretaste of how the transitional institutions will operate. Gone are the times of half-hearted commitments declared in Arusha but denounced as soon as they returned to Bujumbura. The peace process is now firmly back on track and caught up by its obligations towards the country. Finally, the 23 July summit leaves the field totally clear for cease-fire negotiations. Again, UPRONA and FRODEBU are required to mobilise their respective political machines, the army and their parties, so that the fighters and the people finally lend their support to a political solution to the conflict. The ability of Pierre Buyoya and Domitien Ndayizeye to each prove their authority over their own camp is the real political test of the success of the Pretoria Agreements and the implementation of the

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of the civil service; 10. co-operate fully with the Agreement Implementation Monitoring Committee;

<sup>9</sup> ICG interview, Domitien Ndayizeye, Bujumbura, 30 July 2001.

conditions signed at the summit of 23 July. If Pierre Buyoya does not manage to persuade the army to accept his commitments, and Domitien Ndayizeye is not able to achieve effective recognition of his political leadership by the rebels and the people, leading to a reduction in the intensity of the conflict or to a truce, the limitations of the "sufficient consensus" formula will be felt quickly. The consensus risks being shown to be insufficient and the implementation of the peace agreement may be once again crippled by the demands of other signatories.

## **B. THE STAKES SET ON 23 JULY**

### **1. For FRODEBU: Saving The Gains Made At Arusha**

The political paralysis following the signing of the Arusha Agreement clearly worked against FRODEBU. In the absence of the implementation of the agreement and real political dynamism to give the people and the international community hope of seeing an end to the conflict within a reasonable time, the Hutu rebels and their demands once again dominated the peace process. Furthermore, the fear that Nelson Mandela would withdraw, thereby depriving the process of his moral authority, risked undermining FRODEBU's chances of returning to power in good condition. The best it could have expected in this case was a consolidation of the partnership government and the permanent installation of Jean Minani in Dar Es-Salaam! Breaking the deadlock was the essential condition for FRODEBU keeping its position as undisputed leader of Hutu interests.

The price to pay, namely, accepting Pierre Buyoya as President for the first eighteen months of the transition, although difficult and risky, was in the end better than seeing the rebels assume political leadership of the Hutu people. With Domitien Ndayizeye as Vice-President of the transition, FRODEBU is still involved and in the end will just have to learn patience, strengthened by the support of the entire region on the issue of Pierre Buyoya's departure, with Yoweri Museveni also having signed the declaration of 23 July. On 1 May 2003, the Presidency of the Republic should fall back into the hands of FRODEBU, the end result of six years of negotiations. Finally, its return to power should be enough to contain the internal divisions undermining the party and to reunite it around

Domitien Ndayizeye and Jean Minani. Both men now hold the keys to several hundred posts within the State apparatus with which to appease the ambitious and the discontented. Conversely, if the establishment of the institutions is checked and the promises not kept, both men will most certainly pay a heavy price.

### **2. For Pierre Buyoya: The End Of "Neither Peace Nor War"?**

By 1 May 2003, Pierre Buyoya will have gained at least partial recognition for the reasons behind his return to power in 1996. FRODEBU can no longer resort to double speak about achieving a political solution to the conflict; it is its duty to implement the Arusha Agreement in order to return to power and mobilise the people against the rebels. However, firstly, the Arusha Agreement was in itself a political victory for the Head of State: Tutsi interests are widely protected and over-represented in comparison with the result of the June 1993 elections. It is an agreement that guarantees a democratic restoration of power in favour of the Tutsi community<sup>10</sup>. And secondly, should FRODEBU not manage to fulfil its pledges, namely to make a major contribution towards the achievement of a truce and the opening of negotiations, the region has committed itself to waging war against the rebels. Furthermore, FRODEBU would be weakened and would offer less resistance to UPRONA.

Indeed, the unwritten intention of 23 July was to give the Pretoria and Libreville negotiations a last chance, before taking more forceful action against the rebels<sup>11</sup>. In which case, the Burundian army as a unit would be in a much stronger position to negotiate a cease-fire and the reform of the armed forces. Even if these negotiations are not completed at the end of the first eighteen months of the transition, Buyoya will have put the peace process back on track, and significantly strengthened the negotiating positions of his political rank and file, the Tutsi community and the army. With regard to the political and military oligarchy of Burundi of which he is a key figure, he has the time and means to preserve its interests, by

<sup>10</sup> Cf. ICG, *Burundi: Neither war nor peace. An evaluation of the peace process after the signing of the Arusha Agreement of 28 August 2000*, Central Africa Report n°25, 1 December 2000.

<sup>11</sup> ICG interview, Pierre Buyoya, Bujumbura, 3 August 2001.

burying the evidence of its economic and financial omnipotence in renewed flows of international aid, and by negotiating immunity with FRODEBU. To his credit, the determination with which the Head of State is this time campaigning for the full and complete implementation of the Arusha Agreement within the armed forces should be highlighted. His language is now unambiguous, very different from the usual "neither war nor peace". For the time being, Pierre Buyoya seems to have taken the main gamble of the transition. He will therefore be able to leave power with his head held high, having finally fulfilled his mission. His success has already prompted UPRONA's total reversal on the issue of the transition because with Pierre Buyoya at the helm, UPRONA is no longer making a cease-fire a prior condition for the implementation of the agreement.

### **3. For The Region: Tanzania Must Face Up To Its Responsibilities**

For several months now, the South African mediation team has come out in favour of much more forceful regional action against the rebels, as well as the mobilisation of a peace enforcement unit in Burundi. Kigali and Kampala have already been won over by this option. In light of Kenya's indifference, which is only concerned with protecting its commercial interests in the region and its access to the Burundian market, Tanzania remains the main opponent of this option. From Lusaka to Arusha, and after making a regional tour in June with the aim of opposing the choice of Pierre Buyoya as leader of the transition, President Mkapa remains the most hostile to the Burundian Head of State, refusing to punish rebels who, in his opinion, "are defending a just cause".

However, Tanzania's strategic interests weigh heavily in favour of a rapid solution to the Burundian conflict:

- 1) Tanzania is desperate to see Pierre Buyoya leave power: the agreement of 23 July offers a specific date for this to be realised: 1 May 2003 - a decision which also involved Yoweri Museveni, the President of the Regional Initiative for Burundi.
- 2) Tanzania is desperate to see the 450,000 Burundian refugees leave its land: the agreement of 23 July offers guarantees on this.
- 3) Tanzania is desperate to see FRODEBU return to power and Burundi join the East

African Community to the major advantage of Tanzanian businessmen: once again, the agreement of 23 July clearly provides for this possibility.

Consequently, just like FRODEBU, Tanzania has little choice but to accept it and in particular must adhere to the strategy conceived by Julius Nyerere to resolve the Burundian conflict. Now that a political agreement has been negotiated in Arusha allowing FRODEBU to return to power, Tanzania's passive support for the rebels, which has acted as a safety lever to maintain pressure on the Burundian government, has become counter-productive. The Burundian government must be given as little room for manoeuvre as possible and not be offered the excuse of continued fighting in order not to avoid its commitments. Similarly, FRODEBU's credibility as the driving force behind the transition and the implementation of the Arusha Agreement must be consolidated, by forcing the rebels to enter into negotiations. Logically, Tanzania should now encourage the rebels to enter into cease-fire talks and then help with the operation to secure the border between Tanzania and Burundi<sup>12</sup>.

Furthermore, in relation to Uganda and Rwanda, the time-frame adopted in Arusha perfectly suits their Congolese strategy. On 1 November, the international community will have a precise idea of the constraints of the Lusaka Agreement. The Inter-Congolese dialogue, for which a preliminary meeting of the signatories is scheduled for 20 August in Gaborone, will have shown what it is capable of delivering. Tanzania's involvement in the stabilisation of Burundi should reduce the potential trouble-making of the FDD in the Kivu. Tanzania could even become involved much more actively in the military stabilisation of the entire Great Lakes region. The Congolese government would lose a major ally, and the eastern regional coalition would gain a degree of legitimacy.

Finally, the political agreement of 23 July depends on one essential condition for success: all the signatories (Pierre Buyoya, Domitien Ndayizeye and the region) must be able to come out of it with something. And although a certain degree of

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<sup>12</sup> It seems moreover that this is already the case, particularly in Musinga. Cf. Radio Burundi, "Burundi, Tanzanian officials agree to tighten security along common border", broadcast by BBC monitoring, 4 August 2001

optimism is justified, major challenges face Burundi's political figures during the course of the one hundred days between the Arusha Summit and the start of the transition period, and every effort must be made to enable them to meet these challenges.

### **III. THE CHALLENGES TO BE TAKEN UP BY 1 NOVEMBER**

#### **A. IMPLEMENTING THE DECISIONS OF 10 AND 23 JULY**

##### **1. Protecting The Institutions Of Transition**

The establishment of a Burundian protection force, mentioned in the 11 conditions, is essential. Without it, exiled political leaders cannot return and the transitional government cannot be formed. Furthermore, the setting-up of this force, made up half and half by Hutu soldiers and Tutsis, will represent an excellent experiment for the reform of the armed forces. It will enable the importance of this operation to be played down within the Burundian armed forces, and will show the troops and the officers that this reform is possible. Secondly, it offers the G7 an excellent opportunity to prove its ability to negotiate in the interests of Hutu fighters: putting additional pressure, from below, on the rebel groups outside the process. On paper, setting up this force should not pose a problem. FRODEBU and the government unequivocally support the principle of its formation<sup>13</sup>. Two challenges exist however: time and the choice of men.

The government and FRODEBU have only three months to agree upon specific terms and conditions including 1. The establishment of a precise organisation and operation chart, including a clear identification of the political authority to which this unit is answerable and clarification of the principle of its day-to-day relations with the Burundian armed forces and the rebels; 2. Selection of members according to undisputed procedures; 3. Formation; 4. Deployment.

Judge Mark Bomani of the Tanzanian facilitation team, Nicholas Haysom, representing Nelson Mandela, and Ambassador Berhanu Dinka, the Special Representative of the United Nations Secretary-General for the Great Lakes Region and Chairman of the Implementation Monitoring Committee, were appointed by the Regional Heads of State to facilitate the establishment of this force<sup>14</sup>. But by 1 August there was nothing to

<sup>13</sup> ICG interview, members of FRODEBU and UPRONA, Bujumbura, 30-31 July 2001.

<sup>14</sup> ICG interview, UN diplomat, Nairobi, 28 July 2001.

suggest that the necessary talks had started. Even if this force is formed gradually, comprising initially 1,000 men, ending up with a unit of some 10,000, the countdown has already started and time is very much against the peace process. Given that this force must be ready and deployed at least a fortnight before the start of the transition, and that it will take at least six to eight weeks for it to be set up, this means that the negotiations on the organisation chart, operating procedures, selection procedure and the selection itself must be completed by 1 September. It is essential that the members of the government and of FRODEBU, as well as the team of appointed facilitators, realise the urgency of the task. Furthermore, the not inconsiderable issue of the financing of this force has not been tackled. Although the international community is likely to be called on for this purpose, so that the recruitment for the force to protect the transitional institutions is appealing to soldiers and police officers from both camps, urgent measures must be undertaken in this area.

The force must be made up of police officers and soldiers. As regards the government, the choice of men should not pose too many problems, although it seems highly unlikely that FRODEBU will accept soldiers and officers who are well-known for previous abuse of power, excessive politicisation, or links with the intelligence services.

However the challenge facing FRODEBU is even more difficult to resolve. Firstly, the Hutu camp has to produce qualified men who have no connections with the rebels. But the majority of Hutu officers who come from the ISCAM [Higher Institute for Military Officers] or from foreign military academies have joined the rebels. Furthermore, Léonard Nyangoma's CNDD, Joseph Karumba's Front de Libération Nationale (FROLINA), and Etienne Karatasi's Parti pour la Libération du Peuple Hutu (PALIPEHUTU) are the only political and military forces in the G7 to have signed the Arusha Agreement and are therefore likely to supply men to this unit. Neither the fighters of the Conseil National pour la Défense de la Démocratie-Forces de Défense de la Démocratie (CNDD-FDD) or the Parti pour la Libération du Peuple Hutu-Forces Nationales de Libération (PALIPEHUTU-FNL), or their respective deserters can be called upon. The former refuse to acknowledge any legitimacy of the Arusha Agreements and cannot therefore

reasonably be expected to provide men to protect its institutions. The latter can only be rehabilitated as part of a socio-professional retraining programme. Their recruitment would be a declaration of war against the rebels, which would be totally counter-productive when the central objective of the negotiations is now to obtain a cease-fire.

Finally, Léonard Nyangoma's CNDD has disassociated itself from the results obtained on 23 July in Arusha. It states that it does not want any involvement in the transitional government and is solely concerned with the cease-fire negotiations<sup>15</sup>. Under these circumstances, it is hard to see how it will provide soldiers for the institution protection force. Ultimately, FRODEBU can only call upon FROLINA and PALIPEHUTU, which seems difficult from an operational point of view, or choose Hutu policemen, privates and officers who are already part of the armed forces. This option is conceivable in the short term, in order to form the first two battalions that have to be ready by 1 November, but it would be counter-productive beyond this, precisely proving the G7's inability to negotiate the reform of the armed forces and the integration of rebels within it. The only credible solution in the medium term would be for FRODEBU to negotiate a *modus vivendi* within the transitional institutions with the CNDD. This challenge is undoubtedly much harder to achieve.

## **2. The Drafting Of A Clear And Precise Text Governing The Operation Of The Transitional Institutions.**

The Arusha Agreement of August 2000 does not specify clearly the distribution of powers between the various transitional institutions (Government, President, Vice-President, National Assembly, Senate) and in the event of conflict, the procedures to remedy this. The relations between these various institutions are also not specified. Neither does it state definitively the exact distribution of seats or posts within the transition parliament or government, only referring to proportions<sup>16</sup>. In short, the drafting of a clear and precise text governing the operation of the transitional institutions is absolutely necessary by 1 November.

<sup>15</sup> Cf. Net Press, "Burundi: Rebel group sets condition for participation in new government", broadcast by BBC monitoring, 1 August 2001.

<sup>16</sup> Cf. ICG, *Neither war nor peace*, op. cit.

Once it has been drafted, it must still be approved by the Implementation Monitoring Committee, in which all the signatories have an equal representation, and then by the National Assembly.

This transitional Constitution is necessary because it is the only means of avoiding a weak coalition government, establishing the dictatorship of small political parties of the "Convention of Government" type. Domitien Ndayizeye now agrees with this<sup>17</sup>. Having personally dug his heels in on this issue for six months, his final appointment as Vice-President of the transition and his likely accession to the Presidency at the end of the first eighteen months have enabled him to assess the challenges that he will face in the near future. Furthermore, the rule by which Buyoya will relinquish power in 18 months time is not contained in the agreement and has no legal validity. Its inclusion in the text governing the operation of the transition is an additional guarantee. The revision of this document would also enable him to remove the ambiguity according to which it is not the vice-president of the first period who automatically becomes president of the second period, but "a G7 representative". From its point of view, UPRONA could also obtain an explicit reference in the text to the effect that the vice-president of the second half of the transition must come from its ranks. UPRONA had in any case always pointed out the breaches of the Arusha Agreement and called for a truly operational text to be drafted.

An inter-ministerial committee chaired by the Minister for Human Rights, Eugène Nindorera, has already prepared a document that could serve as a basis for concluding the negotiations. FRODEBU still only challenges the relevance of this document for reasons within the G7. Although FRODEBU increasingly acknowledges the need for the drafting of a clear, precise and operational text, it does not wish to hear talk of a new transitional constitution, which would spell the end of its legitimacy, established in 1993 and would be to the benefit of the CNDD. Besides the need for Domitien Ndayizeye to save face after six months of stubbornness, FRODEBU is still hounded by the CNDD and the CNDD-FDD on the issue of legitimacy, and does not want to appear as the destroyer of the 1992 constitution and of the 1993

popular mandate, which is the main tool for the mobilisation of the rebellion which broke out in this period.

The real point of this text is therefore less legal than political. Legally, the question is easy to resolve. The Arusha Agreement unequivocally states that the 1992 constitution is the reference text for the transition and re-establishes it as the founding text. Protocol II of the agreement on "good governance and the institutional arrangements for transition" amends the 1992 constitution in order to take account of the progress in political negotiations on the issue of the transitional institutions. The IMC and the National Assembly merely have to make a further constitutional amendment adding to and modifying the previous one and leading to a clear, precise, unambiguous text. From a strictly legal point of view, this would result in a text entitled: "The 1992 Constitution, amended on 1 December 2000, and amended again on 1 October 2001". This practice of adapting a legal text to the political situation is commonplace in all democracies. It only remains to find the political will to reach a compromise.

Finally, the political negotiation on the sharing of power, unfinished in Arusha, must be concluded in Bujumbura between UPRONA and FRODEBU, and then within the IMC with the other signatories by 1 November. This negotiation relates to the distribution of officers within the transitional institutions and other positions within the State and is likely to be hard-fought. The G6 has already made it clear that it would demand the Ministry of the Interior. Its aim in particular is to be able to control the running of the post-transitional electoral campaign, which will surely threaten the existence of the small parties.

The distribution of posts will in the end be the biggest test of the new approach to the peace process. It is UPRONA's and FRODEBU's duty to be sufficiently responsible to make the concessions required for this undertaking to be successful, whilst giving themselves sufficient room for manoeuvre both to retain the leadership of the government and to co-opt to their sides the other members of their political families.

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<sup>17</sup> ICG interview, Domitien Ndayizeye, Bujumbura, 30 July 2001.

### **3. The Laws On Temporary Immunity And Genocide**

Of the five laws that have to be presented by the Government in order to prepare for the establishment of the transitional institutions, the law on temporary immunity and the law on genocide are the two most difficult texts to adopt. The texts governing the transitional institutions, the organisation and operation of political parties and the establishment of the transitional parliament are ready, and only need political consent. The two other bills will be available on 17 August at the latest<sup>18</sup>. It is these two texts, however, that are likely to pose the biggest problem to the peace process. In practical terms, it is a question of guaranteeing temporary immunity to political criminals living inside or outside the country, and of putting in place specific mechanisms for fighting against genocide. However, these two laws are closely connected to the work of the two committees set up by the Arusha Agreement to deal with responsibility for war crimes, crimes against humanity and genocide crimes committed in Burundi since independence.

Temporary immunity can only, for example, last the length of time it takes for the Truth and Reconciliation Commission and the International Judicial Commission of Inquiry to submit its results, i.e. two years. At the end of these two years, the individuals accused must account for their actions before Burundi's courts. This therefore also assumes that the reform of the legal system is completed so that certain criminals cannot go unpunished, as is the case today. Finally, this law on temporary immunity poses an obvious problem of justice. How can this be justified for political leaders whilst the faceless underlings have been killed or have been imprisoned for seven years? It will be necessarily linked to the progress of national political debate on the question of amnesty, a politically explosive subject that none of the signatories of the Arusha Agreement is prepared to confront at the moment and a subject that will play a major role in the post-transitional electoral campaigns.

The Arusha Agreement had not managed to decide on this matter and a patchwork of institutions has

been set up designed to satisfy all of the signatories. The simultaneous recourse, for example, to a National Truth and Reconciliation Commission and to an International Judicial Commission of Inquiry for war crimes, crimes against humanity and genocide crimes is contradictory. Specifically, which crime will come under which process? The first step must be to identify and qualify it, in the knowledge that almost all the crimes committed in Burundi and included in this process are probably politically motivated crimes. It is necessary to develop this aspect prudently in order to accompany the change in mentality. But here too, amendments to the Arusha Agreement based on political negotiation will probably be essential in order to make the transition process coherent and clear.

Ultimately, during the one hundred days preceding the transition, a question of trust is clearly incumbent on the signatories of the Arusha Agreement, and on UPRONA and FRODEBU in particular. The war continues to fuel mutual suspicions and to offer an excuse for each party to renege on its commitments. The eleven conditions demanded by the G7 in order to accept the presidency of Pierre Buyoya for the first half of the transition are clearly a sign of a total lack of trust in the Head of State, and, conversely, the conditions that the G10 tried to have adopted in Arusha for accepting Domitien Ndayizeye as vice-president for the first half of the transition, were proof of a similar lack of trust in the opponent. Epitace Bayaganakandi's nomination was, in the same vein, the expression of a real defiance from a section of the Tutsi community towards the Head of State, which is now expressed through the G6, describing the Pretoria Agreement and the outcomes of the Arusha summit of 23 July as "a fool's deal"<sup>19</sup>. During these one hundred days, it is up to the signatories of the agreement and, especially, Pierre Buyoya and Domitien Ndayizeye, to clearly show the people that their respective commitment is not a fool's deal and that they are now working towards a successful transition in which, criminals aside, all Burundians will end up on the winning side. The first challenge to meet is to work together to bring peace to the Burundian people.

<sup>18</sup> Iteka news, "The legal technical team hands over three of the five bills required for the transitional period", 20 July 2001.

<sup>19</sup> ICG interview, Alphonse Rugambarara, Bujumbura, 31 July 2001.

## **B. CEASE-FIRE: BETTING ON THE NEW POLITICAL ENVIRONMENT**

The implementation of the Arusha Agreement, signed in August 2000, was dependent on two major factors: achieving a consensus on the issue of the post-Arusha transitional leadership and obtaining a cease-fire. The first issue is now governed by the agreement of 23 July. But up until now, despite international and regional mobilisation on the issue of the cease-fire, the armed groups have given no tangible sign of wishing to enter into serious negotiations. The most recent negotiations on the cease-fire in Pretoria on 25 and 26 July between the CNDD-FDD delegation and the government delegation ended in failure and without a face-to-face meeting between President Buyoya and the leader of the FDD.

The FDD's official stance on the peace process, as voiced by Jean Bosco Ndayikengurikiye at the press conference that he held on his visit to Brussels on 18 July remains intransigent. According to them, the Arusha Agreement is a "total failure" because "Buyoya was negotiating with himself, on the other side there was nothing"<sup>20</sup>. The main reason put forward for this failure was their exclusion from the Arusha talks since 1998; the only means of negotiation that they advocate would be a face-to-face meeting between fighters, following the same format as the Rome talks between Nyangoma's CNDD and Buyoya's soldiers in 1997. This time, the discussions would not be taking place in Rome but in Libreville, where the CNDD-FDD and army delegations met twice in January and April 2001 under the auspices of the Gabonese President Omar Bongo. The FDD indeed reject the South-African mediation team, which they regard as being biased, and demand a French-speaking co-mediator.

Their negotiating agenda does not appear to have changed substantially since the first contacts made with them by the Mandela Facilitation Team: the same conditions are reiterated (dismantling of concentration camps, release of political prisoners, re-assertion of the 1992 Constitution, reform of the armed forces<sup>21</sup>) as being a prerequisite to the negotiations. However, a number of hesitations and

contradictions can be found in their stance, which suggests that the FDD are ready to negotiate. Firstly, the FDD now accuse Buyoya of not having honoured his commitments made at Libreville I for direct negotiation with them, and of having played several cards between Libreville, Arusha and Pretoria. Secondly, after having declared on several occasions that they only wished to negotiate with a transitional government, they accuse Arusha of having imposed Buyoya under the "diktat of the army" and of giving them a further reason for war. "Mandela has allowed a mono-ethnic army, which has resisted democracy, to impose its leader as head of the transitional government"<sup>22</sup>. Some accounts confirm that there is an increasing leaning within the FDD towards war if "Buyoya were not to leave after 18 months". Finally, the announcement made on 7 August regarding the suspension of the Chief of Staff of the movement, Prime Ngowenubusa, by the head of military operations, Major Ntigurirwa, sowed confusion within the movement<sup>23</sup>. Its official spokesperson contested the nature of the decision taken against the Chief of Staff and a further split may develop within the movement.

The Arusha Agreement seems to be of little interest to the FNL, who also reiterate their conditions for negotiation: the dismantling of camps, the release of political prisoners, the dismantling of militia, the withdrawal of courts of criminal appeal and the recognition of PALIPEHUTU-FNL as a political formation.

Furthermore, the cease-fire negotiations are once again taking place in a dangerous security situation to the east of the Congo, Burundi and Rwanda. Since the CAF offensive on Pepa and Pweto in October 2000, it has become clear that Burundi is the main target of Hutu armed groups and possibly of the pro-Kabila alliance, their strategy being to bring the front towards the interior of the country and to expel Burundian troops from the Congo. Following this offensive, which was broken up in full flight by the

<sup>20</sup> Jérôme Ndiho, spokesperson of the CNDD-FDD, quoted in "the Arusha government will change nothing", Hironde Foundation, 24 July 2001.

<sup>21</sup> CNDD-FDD, Memorandum sent to the Secretary-General of the Organisation of African Unity at the summit of Heads of State held in Lusaka from 9 to 11 July 2001.

<sup>22</sup> Jean Bosco Ndayikengurikiye, interview with RFI broadcast by BBC monitoring, 30 July 2001.

<sup>23</sup> Officially, some heads of domestic military operations accuse Prime Ngowenubusa of having ordered the assassination of the head of training, Major Joseph Nduwayo. The movement's party executives are however divided on the stance to be adopted on this issue: whether to confirm the position of the officers in the field or initiate fair legal proceedings. Cf. communication between ICG interview with a FDD political adviser, 7 and 13 August 2001.



APR and RCD with the participation of the Burundian Armed Forces, the majority of Burundian troops returned to the Congo. Once again, the withdrawal of the RCD from the frontline on 15 March and international pressure on the process of demobilisation, disarmament, rehabilitation and reinstallation (DDRR) for the armed groups involved in the Lusaka process led to a movement of these groups from Katanga towards Lake Tanganyika, south Kivu and Burundi and resulted in serious fighting in March / April / May in the south and centre of the country and in rural Bujumbura. Military experts suspect that the attacks on Rwanda by the Rwandan Liberation Army (ALIR I) in June were probably co-ordinated with attacks on Burundi and south Kivu. In June there were four main channels of infiltration: in the North, groups entered from Kivu into the Kibira forest across the Rusizi plain and the Imbo region; in the West, others passed via Lake Tanganyika, in the South (Makamba, Rutana) and in the East (Muyinga, Kirundo) from Tanzania. In these provinces, and in rural Bujumbura, the number of attacks, thefts of cattle and ambushes has been on the increase for several months. Currently, there is a slight lull in the fighting but military intelligence report three FDD brigades that are said to have remained assembled in south Kivu in anticipation of a new offensive<sup>24</sup>.

In the light of the deteriorating security situation and the acknowledgement of failure in the cease-fire negotiations up until now, what alternatives are there for driving forward the peace process? The first is war. Mandela has already called on several occasions for a UN Chapter 7 force and for sanctions to be imposed on the rebels. But no regional or international player is willing to send troops in a situation of war. Conversely, once a political agreement has been signed, the possibility of building a regional coalition against the rebels is no longer impossible. A meeting to evaluate this issue is scheduled to take place in October.

The second alternative is to suppose that the presence of FRODEBU in power during the transition will be enough to create the conditions for a change of attitude from the rebels in relation to the cease-fire negotiations. FRODEBU must play an active role in a campaign to mobilise the people in favour of peace, who ultimately will be the only arbiters of change in the field. It is in FRODEBU's interest to support this approach: on 1 November it will switch from the position of opponent to the position of governor and

must assume its national responsibilities and work towards a return to peace. Furthermore, since Buyoya agreed to sign this transition without a cease-fire, the responsibility for stopping the war is no longer on his shoulders alone but also on those of his partner.

Making progress on this issue is essential for building mutual trust. Up until now, the continuation of the war fuels mutual suspicion between the two parties. Buyoya and his camp see violence as a means of applying external pressure on the negotiations manipulated by FRODEBU and Tanzania and is concerned that FRODEBU will return to power to use state resources and to supply the rebels from the inside. As for FRODEBU, it accuses its opponent of demanding a cease-fire in order to prevent negotiations or the implementation of the agreement and to maintain the status quo.

It is now a question of preventing the issue of the cease-fire from becoming an "exit option" for the implementation of the agreement by the two new partners. Implicitly, the stance of the Buyoya government is that presidential power will be passed over to FRODEBU in 18 months' time if it shows its commitment to stopping the war. The Defence Minister said as much on 5 June: "the issue of the leadership of the transition has changed from being a political issue into a security issue, since the Hutu rebel groups refused to subscribe to the Arusha Agreement".<sup>25</sup> In a security situation that has deteriorated significantly since the spring of 2001, it is out of the question to bring about changes at the level of head of the State, which would damage the cohesion of the army. The same message is indirectly sent out to Tanzania, giving it a useful reminder of the commitments that Nyerere had made on this at the start of the Arusha process. Mwalimu Nyerere's approach was to foster a political agreement between Buyoya and FRODEBU and to involve the region in marginalising those who refused to lay down their arms. With this approach, the signing of the Arusha Agreement last August can be seen as being part of a simultaneous carrot and stick strategy towards FRODEBU, depending on progress in the cease-fire negotiations.

The 11 conditions proposed by FRODEBU to the regional Heads of State in exchange for their acceptance of Buyoya as President of the first phase of the transition are an exact replica of the reservations issued by the Buyoya government on the Arusha Agreement and reflect the same lack of

<sup>24</sup> ICG interviews, regional military observers, Bujumbura, 29-31 July 2001.

<sup>25</sup> Press conference held by the Defence Minister, quoted by *Burundi today*, 5 June 2001.

confidence in its future partner. Here too, by calling the region to witness this agreement, FRODEBU is implicitly using the threat of action against the government if it does not fulfil its commitments, especially if Buyoya does not leave power after 18 months. Furthermore, exiled FRODEBU leaders have the means to raise the stakes for returning to the country. If they do not return, the people will understand that they do not have confidence in the agreement.

It is likely that FRODEBU, which has pushed for this political agreement, is aware that its credibility is at stake over the issue of the cease-fire. FRODEBU in no way wants the rebels to hold hostage the outcome of 5 years of negotiations with Buyoya and for him to take his privileged place in power. They are therefore proposing to the FDD and FNL that they leave them a negotiating space, which would be defined as follows: 1. Acknowledge that the criticisms made at Arusha are justified. 2. Expand the agreement, on the basis of the 1992 constitution, on the reform of the army, on the peace-keeping force and on the post-cease-fire transition. FRODEBU is relying on the formation of the joint unit for the protection of the institutions to convince several hundred or possibly several thousand rebels, including those who have already deserted, that FRODEBU is capable of negotiating in their interests. The idea is to form a pilot battalion that can show that the joining together of army and rebel forces is possible<sup>26</sup>.

The major obstacle to this plan is naturally the current split in the Hutu political family. There are currently three factions in FRODEBU: the external wing represented by Minani, the two internal groups represented by the first vice-president and by Augustin Nzujibwami, who are in competition, not to mention the struggles for influence between the key figures that have remained inside Burundi since 1996. In order to reconcile and gather together all the wings around the transition process, it is essential for the president of FRODEBU, Jean Minani, to return to Burundi as a matter of urgency.

In addition, the FDD and FNL show signs of considerable mistrust towards FRODEBU, who they see as opportunists cut off from the population and who have abandoned the fighters since 1996<sup>27</sup>. By way of example, between July 1996 and October 2000, there was no official meeting at the highest

level between FRODEBU and the FDD<sup>28</sup>. Added to this is the competition of certain civilian members of the FDD who were formerly in FRODEBU, and wished to create a political party as a rival to FRODEBU and to take up political posts. With the FDD themselves, there seem to be two camps, those in favour of negotiation and those calling for war. This internal dissent coincides with those fighting in Congo and those fighting in Burundi. Finally, the FNL and FDD are not necessarily in the same block, which also risks making the cease-fire negotiations technically complicated.

FRODEBU should certainly not be held solely responsible for the cease-fire. It is absolutely essential that a discreet window is left open to Burundi's FNL and FDD in the negotiation process. To do this, the mediation team needs to change methodology. It is firstly essential to switch from an official, media-covered method to a discreet method. It should then redefine the protagonists in these movements, to study the internal hierarchical structures and the control of the leaders over their troops and to contact those with influence and who are able to make quick decisions. If the FDD in the Congo does not wish to negotiate and is becoming rich from the war, why not firstly contact those that are in the field? If a large number of them want to be demobilised, they must be quickly encouraged to do so. If some demand confidentiality or immunity during the negotiations, this must be granted to them.

### **C. THE TUTSI COMMUNITY AND THE ARMY: DISPUTED LEADERSHIP AND STUMBLING BLOCKS**

The conditions accepted by Pierre Buyoya on 23 July earned him the animosity of part of the Tutsi community in Bujumbura, who criticised him for having signed the agreement without having previously obtained a cease-fire from the rebels. Indeed, in negotiating support for his nomination from the high command of the army and from the opinion-leaders of the Tutsi community, he had promised that the cease-fire would be a condition for the implementation of the Arusha Agreement. When the conditions imposed on the President were announced on 23 July, these same leaders accused him of wanting to preserve his own

<sup>26</sup> ICG interviews, members of the FRODEBU, Bujumbura, 30 July 2001-2 August 2001.

<sup>27</sup> ICG interviews, rebel representatives, Bujumbura, 1 August 2001.

<sup>28</sup> The meeting in Majorca held in January 2001 cannot under any circumstances fit this description. The official leadership of the FDD was not involved and all the parties of the G7 except the CNDD were involved.

position against Tutsi interests. Some of the conditions that were hard for the leaders to accept were the release of political prisoners, the "unreserved" implementation of the agreement<sup>29</sup>, the protection of political leaders returning from exile and the deployment of foreign troops after the cease-fire.

The two attempted coups of 18 April and 23 July can be regarded as being serious warning signs for Buyoya and his ability to guarantee the cohesion of his camp and, consequently, to impose these agreements. The first coup involved young lieutenants from the Military Academy (ISCAM)<sup>30</sup>, the second coup involved two battalions responsible for the security of the capital. One possible interpretation of the attempted coups is that they were the expression of a rejection of Buyoya's nomination for the transition or, at least, a serious warning that the army's interests could not be sold off in South Africa. The second attempt was designed to express disagreement with the decision made in Lusaka by the mediation team and the regional heads of state to choose Buyoya as president for the first half of the transition. It clearly rejected the explanation given by Mandela that this choice was supported by the soldiers.

In both attempted coups can be heard the "pareniste" rank and file disenchanted by the announced return of FRODEBU to power and the signs of Bagaza's rallying to Buyoya's transitional power structure. The disturbing aspect of these attempts is that rumours had been running for several weeks without any preventive measures being taken. Furthermore, while these actions were unfolding, the passive response of the command and of the unit in charge of the security of the institutions (USI) was surprising. It does not appear that there was any serious preparation. Few officers seemed to want to take responsibility for stopping the coup plotters when it was time<sup>31</sup>.

The coup of 23 July was the work of two battalions that form part of the GODEC<sup>32</sup>. Some 400 soldiers left their positions around the town and headed towards Bujumbura where they hoped to overpower the field officers of the high command perceived to be responsible for the earlier failed coup in April. The leader of the GODEC was alerted by a captain and the head of the police force immediately gave officers the order to block access to the town by the Ntahangwa bridge. On arriving at the bridge, the rebel soldiers exchanged fire with the police officers killing one soldier and injuring the officer in charge of the police detachment. The coup plotters then fled the town, after trying to release from prison those responsible for the attempted coup in April and taking a number of officers hostage in the northern provinces. The day after the attempted coup, they returned to the Ngozi province where they are currently being held. The main reason for the coup's failure was because the garrison towns in southern, northern and central rural Bujumbura did not support it<sup>33</sup>.

Currently, twenty or so officers are under arrest for their involvement in the two attempts. But their punishment is the subject of major discussion within the Tutsi community. In the minds of the town's Tutsi civilians, it is unfair to punish young soldiers who wanted to protect the interests of their community, especially as those in power are considered by many to have failed to protect the same community during the massacres of 1993. After the April coup carried out by officer cadets of the ISCAM, the academy was closed and the eight hundred subalterns deployed in several units of the army spread out across the country. and this decision was perceived as a punishment. From their new positions the officer cadets were able to mobilise the new troops around their resentment<sup>34</sup>.

A coup in the current climate would be extremely dangerous, not only for the peace process, but also for the cohesion of the country. Firstly, these attempts would probably lead to international sanctions, or even regional intervention. A soldier who takes power by force nowadays has not learnt the lessons of recent years, in particular the regional embargo imposed on Buyoya in 1996. There would be no other means of running the country effectively and war cannot be waged

<sup>29</sup> The agreement of 23 July states "implement faithfully and unreservedly all the provisions of the agreement", whereas the Arusha Agreement was signed with reservations by the government. The reservations related in particular to the lack of a cease-fire.

<sup>30</sup> Cf. ICG: *Burundi: breaking the deadlock. The urgent need for a new negotiating framework*, Central Africa Report n°29, 14 May 2001.

<sup>31</sup> ICG interviews, officers of the Burundian army, Bujumbura, 30 July/1-2 August 2001.

<sup>32</sup> Groupement Opérationnel pour la défense de la capitale [Operational Group for the Defence of the Capital].

<sup>33</sup> ICG interviews, officers of the Burundian army, Bujumbura, 30 July/1-2 August 2001.

<sup>34</sup> Ibid.

without money. Secondly, the odds are that such a coup would divide or even destroy the Burundian army and its ability to guarantee the defence of the region. There is a dual risk at this level: one part of the army could clash with another and the rebels could take advantage of this weakness. Groups of extremist soldiers could also decide to eliminate certain political and military figures seen as the linchpins of the system in place and trigger off uncontrolled and violent reactions. Lists of men involved in the system already circulate in the capital. They may also decide to attack Hutu figures in order to provoke public reaction. However, in a scenario where the town's citizens are heavily armed, any incident may quickly turn to carnage.

The army's response to the peace agreement and the ability of the current leadership to gain the army's acceptance of the cease-fire and reform remains the major unknown factor in this process. Several splits, which have been noticeable for some time, are now appearing to widen. The first split is between the senior officers and the privates. The latter firstly complain that the high command prevents them from waging all-out war and cite frequent examples where no order to attack is given despite the enemy being clearly identified. Secondly, the privates cannot understand that they are asked to mobilise against the rebels while at the same time plans are being made to demobilise them and to give jobs to those whom they are fighting. They see themselves as the victims of the reform of the army, while their officers would remain in their posts. Deteriorating economic and social conditions exacerbate their fear of unemployment. Finally, they reject the Arusha negotiations, which they consider to be the work of criminals, "coup plotters and perpetrators of genocide". When the high command travelled to South Africa to tell Mandela that the "army" supported Buyoya, young officers clashed with their superiors by stating that the army was not in favour of a man but a national institution<sup>35</sup>.

This internal split also has a regional dimension. The nomination of Epitace Bayaganakandi, a colonel from the Mwaro province (in the centre of the country), for the transitional leadership revealed the divisions in the army between the Bururi officers, greatly dominant and on the whole favourable to Buyoya, and those of the Mwaro

province, who have the support of the privates, now predominantly from the centre.

These opinions in the army are relayed to, and supported by, Tutsi politicians and certain businessmen from the capital such as PARENA and the group of small Tutsi parties, the G6, which opposed Buyoya in Arusha. It was these parties who negotiated the Convention of Government with FRODEBU in 1994 and who used their veto to block the same Convention as well as supplying Tutsi militia in 1995 and 1996. Similarly, in 1998, at the Arusha negotiations they attempted to prevent them from succeeding.

Some of the stumbling blocks observed on the issue of the leadership of the transition can be attributed to them as well. In order to oppose Buyoya, they supported the nomination of Epitace Bayaganakandi and sided with the G7, made up of Hutu parties. In Bujumbura, they mobilised the unions against those in power, and also Tutsi opinion through organisations such as PA Amasekanya and AC génocide. Joining these associations and the other members of the "Framework Agreement" is now a group of politicians and associations of survivors of the 1993 massacres and other Tutsi radicals that was set up in 2000 in opposition to the Arusha Agreement<sup>36</sup>. Indeed, since November 2000, the G6 and the Framework Agreement have come out in support of the nomination of Epitace Bayaganakandi. They have also mobilised the trading class, predominantly from the centre of the country. This class made a major contribution to the financing of the destabilisation of FRODEBU during the Convention period. On several occasions, they called for strikes and closures of local businesses and shops and they are strongly suspected of involvement in the recent attempted coups. On the announcement of the Agreement of 23 July, they issued a press release denouncing the unfair enforcement of Buyoya as leader of the transition, his "unreserved" acceptance to implement the agreement, i.e. without a cease-fire, his approval for the deployment of foreign troops and his consent for the reform of the army. To formalise their position, they created a front against Buyoya, the "Mouvement de Résistance

<sup>35</sup> Ibid.

<sup>36</sup> AC génocide, PA Amasekanya, UPRONA Mukasi, Jeunesse Révolutionnaire Rwagasore, Coalition pour la Défense de la Démocratie and the unions are members of this.

pour la Réhabilitation du Citoyen" (MRC) [Resistance Movement for the Rehabilitation of Citizens], made up of members of the framework agreement<sup>37</sup>. However, within this group, despite its united front against Buyoya, there are a number of divisions, particularly on the issue of participation in Arusha, with the G6 being signatory to the agreement and the other parties being opposed to the negotiations from the outset.

PARENA also refuses to join the MRC and to support the nomination of Bayananakandi. The problem essentially arises from the personal competition between Bagaza, the President of PARENA, and MRC leader Bayananakandi. PARENA denounces the transition agreement of 23 July and the dithering of small parties unable to follow its example of boycotting the signing ceremony or to give up their post in the future government. These divisions go some way towards explaining why the recent calls for strikes and closures of businesses and shops were not really heeded by the Tutsi population. It is true that the Tutsi people are increasingly disappointed with their politicians whom they accuse of having played the ethnic card for their own purposes, namely, access to power and its benefits.

After the attempted coups, the government suddenly realised the need to explain the peace process better. The president went to Ngozi to meet key figures from the northern provinces, the first vice-president travelled to Gitega and the second vice-president visited Cibitoke and Bubanza to explain the next steps, in particular the cease-fire, and to avoid speculation on the deployment of foreign troops. UPRONA released an astonishingly conciliatory press release entitled "the 11 Arusha conditions, what is there for us to fear or make us demoralised?" reviewing the 11 conditions and explaining their significance.<sup>38</sup> Nevertheless, the influence of these parties and organisations is a source of concern for the Buyoya government. Several sympathisers and members of PARENA have again been arrested in relation to the inquiry into the attempted coup of 22 July, and a major security operation prevented PARENA from organising a protest march in Bujumbura on 11 August. At the end of the day, however, the best way of defusing the extremists and cutting off the

leaders of the G6 from the members of the Framework Agreement is probably to offer representatives of G6 posts in the transitional government

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<sup>37</sup> Press release from the G10 parties, 28 July 2001.

<sup>38</sup> Letter from the Central Committee of UPRONA, N°36, 1 August 2001

#### **IV. CONCLUSION: CREATE TRUST**

The peace process in Burundi is now at a turning point. It has one hundred days to consolidate itself and to set the transition on a firm footing, guiding the country irrevocably towards peace. Many obstacles still stand in the way of the transition, and the absence of a cease-fire is undoubtedly the most serious. Every effort must now be made towards achieving this objective, which alone could restore to the Burundians confidence in the ability of their politicians to build a better future for the country. To achieve this goal, hesitation, double-dealing and prevarication are no longer acceptable. All national, regional or international political players who are involved either closely or remotely in the resolution of this conflict must give peace a chance, and only have until 1 November to prove their credibility to the country.

On a national level, it is up to the signatories to the Arusha Agreement, and in particular UPRONA and FRODEBU, to become the driving forces behind the peace process. They need to show the army and the rebels that the implementation of the Arusha Agreement is now the only way ahead, working together to make it possible and unambiguously supporting it in all their statements, actions and deeds. The FRODEBU leader in particular must have the physical and political courage to return to the country by 1 November, and all the UPRONA leaders must work to encourage the army, its own ranks, and the Tutsi community as a whole to observe and support the commitments made by Pierre Buyoya.

On a regional level, the time of ambiguities is now in the past. Tutsi extremists and the coup plotters must be given full assurance from the region that their attempts to disrupt the peace process will not be tolerated. Tanzania must also stop any support for the rebels, even if passively. Only then can Julius Nyerere's ambition of restoring peace to Burundi be achieved.

Finally, on an international level, the time has come for the promises of support to be replaced by actions. Burundi urgently needs funds to be made available to support the implementation of the Arusha Agreement, as well as to enable the establishment of the institution protection force. Funds are also needed for the rapid formation of Commissions, specified by the agreement, for the

reconstruction of the country, the return of refugees and disaster victims, and the disarmament, demobilisation, retraining and rehabilitation of all the fighters. At the same time, a plan must be implemented to support revenue-generating activity, in particular by providing the Burundian Treasury with currency, so that the start of the transition coincides with a fall in prices and a significant improvement in purchasing power. In order to find peace, the international community must offer the Burundians the means to occupy themselves with something other than war.

**Arusha/Bujumbura/Nairobi/Brussels, 14 August 2001**

## APPENDIX A

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in nineteen crisis-affected countries and regions across four continents: Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Burma/Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; and Colombia in Latin America.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France,

Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Sasakawa Foundation, the Smith Richardson Foundation, the Ford Foundation and the U.S. Institute of Peace.

August 2001

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## APPENDIX C

### ICG BOARD OF TRUSTEES

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